CHILD SUPPORT ENFORCEMENT AGENCY
P.O. Box 7190
Bismarck, ND 58507-7190

IV-D INFORMATIONAL COMMUNICATION
IC-CO-01-13
September 4, 2001

TO: Administrators, Regional Child Support Enforcement Units

RE: Child Support Guidelines, N.D. Admin. Code § 75-02-04.1-08.1: Adjustment for
        Extended Visitation--Number of Visitation Nights to be Counted in the Calculation

A question has arisen regarding the number of visitation nights to be counted for
purposes of the extended visitation adjustment when calculating child support
obligations pursuant to North Dakota's child support guidelines. The following
information regarding N.D. Admin. Code § 75-02-04.1-08.1 is intended to provide an
answer to that question.

> Question: When calculating the extended visitation adjustment in cases in which
> extended visitation applies, should the total number of visitation nights be
> counted in the calculation or only the number of visitation nights which are
> associated with an extended visitation threshold?
>
> Answer: The total number of visitation nights are to be counted when calculating
> the extended visitation adjustment in applicable cases. Pursuant to N.D. Admin.
> Code § 75-02-04.1-08.1(1), extended visitation is defined as visitation between
> an obligor and a child living with an obligee scheduled by court order to exceed
> 60 of 90 consecutive nights or an annual total of 164 nights (i.e., the extended
> visitation thresholds).
>
> The formula for calculating the extended visitation adjustment in applicable cases
> is set forth in N.D. Admin. Code § 75-02-04.1-08.1(2). In part, the formula
> provides that for each child, it is necessary to "multiply **the number of that
> child's visitation nights** times .32 and subtract the resulting amount from three
> hundred sixty-five." (emphasis added)
>
> Although not explicitly stated, the above-referenced language implies that the
> total number of visitation nights are to be counted in the calculation rather than
> only the number of visitation nights associated with an extended visitation
> threshold. For example, if a court order provides for summer visitation which
> exceeds 60 of 90 consecutive nights, thus meeting an extended visitation
> threshold, plus other specified weekend and holiday visitation periods, the total
> number of visitation nights (summer, weekend, and holiday) are to be counted,
> not merely the number of nights associated with summer visitation.

INQUIRIES TO: CHILD SUPPORT ENFORCEMENT AGENCY
P.O. Box 7190
Bismarck, ND 58507-7190
Telephone (701) 328-3582